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10/549,253	09/12/2005	Michael Anthony Pugel	PU040066	2478

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EXAMINER	
HANCE, ROBERT J	
ART UNIT	PAPER NUMBER
2421	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,253	PUGEL ET AL.	
	Examiner	Art Unit	
	ROBERT HANCE	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 20-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 20-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

2. The well-known in the art statements applied to claims 2, 11 and 21 are taken to be admitted prior art due to applicant's failure to traverse Examiner's assertion of official notice.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8, 10-13, 16, 20-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, WIPO Pub WO 01/56297 in view of Kliger et al., US Pub No 2002/0069417 in view of Sezaki, US Pub No 2002/0001041 and further in view of Thomas et al., US Patent No 5,920,801.

As to claim 1 Naden discloses a server apparatus (Master STB 110 of Fig. 1), comprising:

receiving means for receiving broadcast signals (Satellite signals are received by receivers 122 of Fig. 1 and transmitted to RF Switch 202 of Fig. 2);

first processing means for generating first signals responsive to said received signals (Tuner 204 and Demod chain 206 of Fig. 2);

second processing means for generating second signals responsive to said received signals (Tuner M 204 and Demod chain M 206 of Fig. 2), wherein said first signals are provided to a first client device via a transmission medium connecting said server apparatus and said first client device in response to a first request signal requesting a first desired processed signal by identifying a first program and further wherein said second signals are provided to a second client device via said transmission medium (the transmission medium is air, as the transmissions are wireless, therefore the transmission medium of both signals is the same; Fig. 1) connecting said server apparatus and said second client device in response to a second request signal requesting a second desired processed signal by identifying a second program (Downlink signals 118 carry video transport streams to slave STBs 116 for display on televisions 114, uplink signals 120 carry control signals for controlling MSTB tuners, which therefore request and identify programs; Fig. 1, Fig. 2; pg. 6 lines 7-13).

Naden fails to disclose that the signals are analog.

However, in an analogous art, Kliger discloses a receiver with a plurality of outputs, where when an output is connected to a legacy device requiring an analog signal, the digital signals are converted to create an analog video signal (Fig. 1: 30'; [0047]), the first analog video signals having a carrier frequency less than 1 GHz (Fig. 4;

[0069] – analog CATV signals sent to analog STB are in the frequency range of 5-860MHz).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Naden with the teachings of Kliger by converting the signals to analog for distribution on the network. The rationale for this modification would have been to enable the system to function with legacy television devices which require analog signals.

The combined system of Naden and Kliger fail to disclose that the first signals have a different encoding than the second signals.

However, in an analogous art, Sezaki discloses multiple signals multiplexed on a transmission line, where the signals have different encodings (Fig. 7; [0055] and [0071] – HD and SD data is multiplexed onto transmission line 58 for display on devices 55-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden and Kliger with the teachings of Sezaki. The rationale for this modification would have been to enable the system to function with HD and SD display devices.

The combined system of Naden, Kliger and Sezaki fails to disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, and means for

causing said transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium.

However, in an analogous art, Thomas et al. disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, thereby causing said transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium (col. 7 line 37 - col. 8 line 34; Figures 1-2 - video signals are provided to televisions 2B and 2E via shared transmission medium 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden, Kliger and Sezaki to use the frequency band availability detection disclosed by Thomas. The rationale for this combination would have been to dynamically and automatically manage the sharing of transmissions on a single cable.

As to claim 2 the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose said transmission medium is an RG-59 cable.

However, examiner takes Official Notice that RG-59 cable was a well known and commonly available variety of coaxial cable at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use RG-59 coaxial cable in the invention of Naden as modified. The rationale for this would have been to use a commonly available cable to carry television signals.

As to claim 3 the combined system of Naden, Kliger, Sezaki and Thomas disclose a server wherein said broadcast source includes a satellite source (Naden Fig. 1).

As to claim 4 the combined system of Naden, Kliger, Sezaki and Thomas disclose a server wherein said broadcast source includes a digital terrestrial source (Naden Fig. 6; page 13 lines 6-12).

As to claim 5 the combined system of Naden, Kliger, Sezaki and Thomas discloses the server apparatus of claim 1, wherein said receiving means processes said received signals to generate a digital transport stream (Naden pg. 5 line 8-15 – MPEG2 A/V streams (i.e. digital transport streams) are created).

As to claim 8 the combined system of Naden, Kliger, Sezaki and Thomas disclose control means which scans a plurality of frequency bands on said transmission medium to detect said available frequency bands (Thomas col. 7 line 37 - col. 8 line 34).

As to claim 10 Naden discloses a method for distributing signals from a server apparatus (Master STB 110 of Fig. 1) to a first client device and a second client device, comprising the steps of:

receiving signals from a broadcast source (Satellite signals are received by receivers 122 of Fig. 1 and transmitted to RF Switch 202 of Fig. 2);

generating first signals responsive to said received signals (Tuner 204 and Demod chain 206 of Fig. 2);

generating second signals responsive to said received signals (Tuner M 204 and Demod chain M 206 of Fig. 2),

providing said first signals to a first client device via said transmission medium connecting said server apparatus and said first client device in response to a first request signal requesting a first desired processed signal by identifying a first program and

providing said second signals to a second client device via said transmission medium (the transmission medium is air, as the transmissions are wireless, therefore the transmission medium of both signals is the same; Fig. 1) connecting said server apparatus and said second client device in response to a second request signal requesting a second desired processed signal by identifying a second program (Downlink signals 118 carry video transport streams to slave STBs 116 for display on televisions 114, uplink signals 120 carry control signals for controlling MSTB tuners, which therefore request and identify programs; Fig. 1, Fig. 2; pg. 6 lines 7-13).

Naden fails to disclose that the signals are analog.

However, in an analogous art, Kliger discloses a receiver with a plurality of outputs, where when an output is connected to a legacy device requiring an analog signal, the digital signals are converted to create an analog video signal (Fig. 1: 30'; [0047]), the first analog video signals having a carrier frequency less than 1 GHz (Fig. 4; [0069] – analog CATV signals sent to analog STB are in the frequency range of 5-860MHz).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Naden with the teachings of Kliger by converting the signals to analog for distribution on the network. The rationale for this modification

would have been to enable the system to function with legacy television devices which require analog signals.

The combined system of Naden and Kliger fail to disclose that the first signals have a different encoding than the second signals.

However, in an analogous art, Sezaki discloses multiple signals multiplexed on a transmission line, where the signals have different encodings (Fig. 7; [0055] and [0071] – HD and SD data is multiplexed onto transmission line 58 for display on dev ices 55-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden and Kliger with the teachings of Sezaki. The rationale for this modification would have been to enable the system to function with HD and SD display devices.

The combined system of Naden, Kliger and Sezaki fails to disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, and means for causing said transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium.

However, in an analogous art, Thomas et al. disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, thereby causing said

transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium (col. 7 line 37 - col. 8 line 34; Figures 1-2 - video signals are provided to televisions 2B and 2E via shared transmission medium 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden, Kliger and Sezaki to use the frequency band availability detection disclosed by Thomas. The rationale for this combination would have been to dynamically and automatically manage the sharing of transmissions on a single cable.

As to claim 11 the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose that said transmission medium is an RG-59 cable.

However, examiner takes Official Notice that RG-59 cable was a well known and commonly available variety of coaxial cable at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use RG-59 coaxial cable in the invention of Naden as modified. The rationale for this would have been to use a commonly available cable to carry television signals.

As to claim 12 the combined system of Naden, Kliger, Sezaki and Thomas disclose a server wherein said broadcast source includes a satellite source (Naden Fig. 1).

As to claim 13 the combined system of Naden, Kliger, Sezaki and Thomas disclose a server wherein said broadcast source includes a digital terrestrial source (Naden Fig. 6; page 13 lines 6-12).

As to claim 16 the combined system of Naden, Kliger, Sezaki and Thomas disclose scanning a plurality of frequency bands on said transmission medium to detect said available frequency bands (Thomas col. 7 line 37 - col. 8 line 34).

As to claim 20 Naden discloses a server apparatus (Master STB 110 of Fig. 1), comprising:

A receiving element operative to receive broadcast signals (Satellite signals are received by receivers 122 of Fig. 1 and transmitted to RF Switch 202 of Fig. 2);

first processing elements for generating first signals responsive to said received signals (Tuner 204 and Demod chain 206 of Fig. 2);

second processing elements for generating second signals responsive to said received signals (Tuner M 204 and Demod chain M 206 of Fig. 2), wherein said first signals are provided to a first client device via a transmission medium connecting said server apparatus and said first client device in response to a first request signal requesting a first desired processed signal by identifying a first program and further wherein said second signals are provided to a second client device via said transmission medium (the transmission medium is air, as the transmissions are wireless, therefore the transmission medium of both signals is the same; Fig. 1) connecting said server apparatus and said second client device in response to a second request signal requesting a second desired processed signal by identifying a second program (Downlink signals 118 carry video transport streams to slave STBs 116 for

display on televisions 114, uplink signals 120 carry control signals for controlling MSTB tuners, which therefore request and identify programs; Fig. 1, Fig. 2; pg. 6 lines 7-13).

Naden fails to disclose that the signals are analog.

However, in an analogous art, Kliger discloses a receiver with a plurality of outputs, where when an output is connected to a legacy device requiring an analog signal, the digital signals are converted to create an analog video signal (Fig. 1: 30'; [0047]), the first analog video signals having a carrier frequency less than 1 GHz (Fig. 4; [0069] – analog CATV signals sent to analog STB are in the frequency range of 5-860MHz).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Naden with the teachings of Kliger by converting the signals to analog for distribution on the network. The rationale for this modification would have been to enable the system to function with legacy television devices which require analog signals.

The combined system of Naden and Kliger fail to disclose that the first signals have a different encoding than the second signals.

However, in an analogous art, Sezaki discloses multiple signals multiplexed on a transmission line, where the signals have different encodings (Fig. 7; [0055] and [0071] – HD and SD data is multiplexed onto transmission line 58 for display on dev ices 55-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden and Kliger with the teachings of

Sezaki. The rationale for this modification would have been to enable the system to function with HD and SD display devices.

The combined system of Naden, Kliger and Sezaki fails to disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, and means for causing said transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium.

However, in an analogous art, Thomas et al. disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, thereby causing said transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium (col. 7 line 37 - col. 8 line 34; Figures 1-2 - video signals are provided to televisions 2B and 2E via shared transmission medium 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden, Kliger and Sezaki to use the frequency band availability detection disclosed by Thomas. The rationale for this combination would have been to dynamically and automatically manage the sharing of transmissions on a single cable.

As to claim 21 the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose said transmission medium is an RG-59 cable.

However, examiner takes Official Notice that RG-59 cable was a well known and commonly available variety of coaxial cable at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use RG-59 coaxial cable in the invention of Naden as modified. The rationale for this would have been to use a commonly available cable to carry television signals.

As to claim 22 the combined system of Naden, Kliger, Sezaki and Thomas disclose a server wherein said broadcast source includes a satellite source (Naden Fig. 1).

As to claim 23 the combined system of Naden, Kliger, Sezaki and Thomas disclose a server wherein said broadcast source includes a digital terrestrial source (Naden Fig. 6; page 13 lines 6-12).

As to claim 24 the combined system of Naden, Kliger, Sezaki and Thomas discloses the server apparatus of claim 1, wherein said receiving means processes said received signals to generate a digital transport stream (Naden pg. 5 line 8-15 – MPEG2 A/V streams (i.e. digital transport streams) are created).

As to claim 27 the combined system of Naden, Kliger, Sezaki and Thomas disclose the server apparatus of claim 20, wherein said controller scans a plurality of frequency bands on said transmission medium to detect said available frequency bands (Thomas col. 7 line 37 - col. 8 line 34).

4. Claims 6, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, Kliger, Sezaki and Thomas as applied to claims 5, 10 and 24 above, and further in view of McCalley et al., US Patent No 5,191,410.

As to claim 6 the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals.

However, in an analogous art, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Naden as modified. The rationale for this would have been to adapt the system of Naden as modified to be compatible with analog television sets.

As to claim 14 the combined system of Naden, Kliger, Sezaki and Thomas discloses processing said received signals to generate a digital transport stream (Naden pg. 5 line 8-15 – MPEG2 A/V streams (i.e. digital transport streams) are made available to televisions throughout the home);

the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose processing said digital transport stream to generate analog baseband signals; and modulating said analog baseband signals to generate said first analog signals.

However, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

As to claim 25 the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals.

However, in an analogous art, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Naden as modified. The rationale for this would have been to adapt the system of Naden as modified to be compatible with analog television sets.

5. Claims 7, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, Kliger, Sezaki, as applied to claims 5, 10 and 24 above, in view of McCalley and further in view of Harper et al., US Patent No 5,537,141.

As to claim 7 the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose encoding means for encoding said digital transport stream to generate encoded digital signals; digital-to-analog converting means for converting said encoded digital signals to analog baseband signals; and modulating means for modulating said analog baseband signals to generate said second analog signals

However, in an analogous art McCalley et al. disclose processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Naden as modified. The rationale for this would have been to adapt the system of Naden as modified to be compatible with analog television sets.

The combined system of Naden, Kliger, Sezaki, and McCalley fails to disclose encoding means for encoding said digital transport stream to generate encoded digital signals. However, in an analogous art, Harper et al. disclose encoding means for encoding said digital transport stream to generate encoded digital signals (col. 15 lines 13-25). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Harper et al. with that of Naden as modified. The rationale for this would have been to include FEC encoding to video signals.

As to claim 15 the combined system of Naden, Kliger, Sezaki and Thomas discloses processing said received signals to generate a digital transport stream (Naden pg. 5 line 8-15 – MPEG2 A/V streams (i.e. digital transport streams) are made available to televisions throughout the home).

The combined system of Naden, Kliger, Sezaki and Thomas fails to disclose encoding said digital transport stream to generate encoded digital signals; converting said encoded digital signals to analog baseband signals; and modulating said analog baseband signals to generate said second analog signals.

However, in an analogous art McCalley et al. disclose converting said digital signals to analog baseband signals and modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

The combined system of Naden, Kliger, Sezaki, Thomas and McCalley fails to disclose encoding means for encoding said digital transport stream to generate encoded digital signals.

However, in an analogous art, Harper et al. disclose encoding means for encoding said digital transport stream to generate encoded digital signals (col. 15 lines 13-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Harper et al. with that of Naden as modified. The rationale for this would have been to include FEC encoding to video signals.

As to claim 26 the combined system of Naden, Kliger, Sezaki and Thomas fails to disclose encoding means for encoding said digital transport stream to generate encoded digital signals; digital-to-analog converting means for converting said encoded digital signals to analog baseband signals; and modulating means for modulating said analog baseband signals to generate said second analog signals

However, in an analogous art McCalley et al. disclose processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Naden as modified. The rationale for this would have been to adapt the system of Naden as modified to be compatible with analog television sets.

The combined system of Naden, Kliger, Sezaki, Thomas and McCalley fails to disclose encoding means for encoding said digital transport stream to generate encoded digital signals. However, in an analogous art, Harper et al. disclose encoding means for encoding said digital transport stream to generate encoded digital signals (col. 15 lines 13-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Harper et al. with that of Naden as modified. The rationale for this would have been to include FEC encoding to video signals.

6. Claims 9, 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, Kliger, Sezaki and Thomas, as applied to claims 1, 10 and 20 above, and further in view of Dufour et al., US Patent No 6,049,717.

As to claim 9 the combined system of Naden, Kliger, Sezaki and Thomas fail to disclose that said control means detects said available frequency bands based on a user input which selects said available frequency bands.

However, in an analogous art, Dufour et al. disclose a user input which selects available frequency bands (col. 24 line 54 – col. 25 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden, Kliger, Sezaki and Thomas with the teachings of Harper et al. The rationale for this would have been to give an operator control over the allocation of signals over the available frequency bands.

As to claim 17 the combined system of Naden, Kliger, Sezaki and Thomas fail to disclose that said control means detects said available frequency bands based on a user input which selects said available frequency bands.

However, in an analogous art, Dufour et al. disclose a user input which selects available frequency bands (col. 24 line 54 – col. 25 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden, Kliger, Sezaki and Thomas with the teachings of Harper et al. The rationale for this would have been to give an operator control over the allocation of signals over the available frequency bands.

As to claim 28 the combined system of Naden, Kliger, Sezaki and Thomas fail to disclose that said control means detects said available frequency bands based on a user input which selects said available frequency bands.

However, in an analogous art, Dufour et al. disclose a user input which selects available frequency bands (col. 24 line 54 – col. 25 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Naden, Kliger, Sezaki and Thomas with the teachings of Harper et al. The rationale for this would have been to give an operator control over the allocation of signals over the available frequency bands.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ROBERT HANCE
Examiner
Art Unit 2421

/ROBERT HANCE/
Examiner, Art Unit 2421
/Hunter B. Lonsberry/
Primary Examiner, Art Unit 2421